IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

MACA.No. 784 of 2003()

OPMV.266/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
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APPELLANT - PETITIONER:

JAMEELA W/O.KUTTAN,
VYPINKATTIL HOUSE, CHANDAPURAM,
KODUNGALLUR P.O.

BY ADV. SRI.CIBI THOMAS
SRI.N.B.ANOOP

RESPONDENTS - RESPONDENTS:
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1. BABU P.A. S/O.ABDUL KAREEM,
PUNNILATH HOUSE, VEMBALLOOR P.O.

2. HYDROSE, S/O.BAVA, AMBALAKULATH HOUSE,
EDAVILANGUE P.O.KUNJALINI.

3. THE MANAGER, ORIENTAL INSURANCE COMPANY
LTD., BNAHC OFFICE, MANAPPATT BUILDING, NROTH NADA
KODUNGALLUR.

BY ADV. DR.ELIZABETH VARKEY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.A.C.A. NO. 784 OF 2003

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Dated this the 20th day of September, 2007

J U D G M E N T

Petitioner in O.P(MV) No.266 of 1994 on the file of the Motor Accidents Claims Tribunal, Irinjalakuda is the appellant. Petitioner sustained injuries in a motor vehicle accident which took place on 18.1.1994 at 5.30 a.m. She filed a petition claiming a compensation of Rs.50,000/- against respondents 1 to 3. Tribunal awarded a sum of Rs.16,000/- as compensation. Dissatisfied with the quantum of compensation awarded by the Tribunal, this appeal is filed. It was submitted that though the petitioner produced 34 medical bills which were marked as Exhibit A7 series, the Tribunal found that the petitioner has not produce any medical bills. It was also submitted that Tribunal awarded only Rs.1,200/- as compensation for loss of earning after recording that the petitioner was regularly undergoing treatment for about one year in connection with the injuries sustained by her.

Petitioner produced 34 medical bills. The total amount covered by the same is Rs.1037.66. Though it was recorded

that the petitioner did not produce any medical bills, Tribunal awarded Rs.1,000/- towards medical expenses. It is true that some of the bills produced by the petitioner have no connection with the treatment she had undergone on account of the injuries sustained in the accident. Tribunal awarded Rs.5,300/- as compensation for loss of amenities, discomfort suffered and inconveniences caused. Considering the entire aspects of the matter, I am of the view that the Tribunal ought to have awarded Rs.5,000/- more under those counts.

In the result, the appeal is allowed in part. An award is passed in favour of the appellant allowing her to recover an additional compensation of Rs.5,000/- with 6% from the date of petition till date of realisation. The Insurer is directed to deposit that amount also. On deposit, the appellant can withdraw the whole amount.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.A.C.A. NO. 784 OF 2003

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J U D G M E N T

20TH SEPTEMBER, 2007